



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLASSIFIED

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/460,013 06/07/95 SEARLE

H 412/023

EXAMINER

JOHNSON, S

ART UNIT

PAPER NUMBER

6

22M2/0301

POLLOCK VANDE SANDE AND FRIDY

P O BOX 19088

WASHINGTON DC 20036

2201

DATE MAILED:

03/01/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 10/20/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 6 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 7 and 19 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 7 and 19 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☒ been filed in parent application, serial no. 08/038,088; filed on 3/29/93.

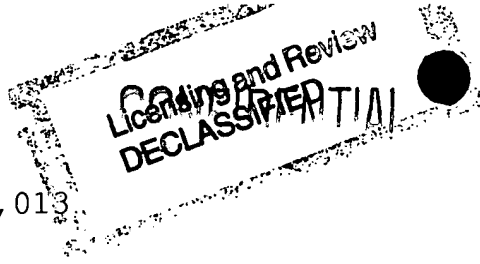
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

FOR FOREIGN GOVERNMENT
INFORMATION

EXAMINER'S ACTION

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1. Claim 19 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, section (ii), the word "cradle" is misspelled.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

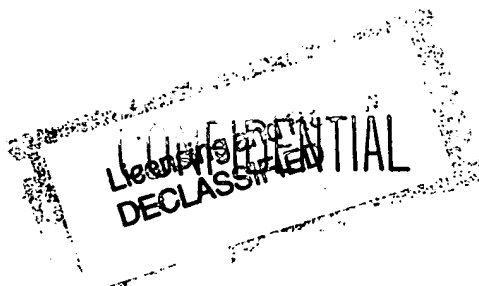
"A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

3. Claims 7 and 19 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Chiabrandy et al..

Chiabrandy et al. disclose a field howitzer comprising:

- | | |
|---|---|
| i. a chassis with trunnion support, | 166 PEDESTAL
(fig. 1) |
| ii. a howitzer barrel, | fig. 1, col. 1,
lines 39-40 |
| iii. a cradle with hollow members, | 48, 98, 100 |
| iv. a recoil buffer system, | 98 |
| v. a recuperator system, and | 100 |
| vi. a single hydraulic accumulator arrangement. | 98, 100; col.
3, lines 3-61;
col. 6, lines
51-74 |



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4. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

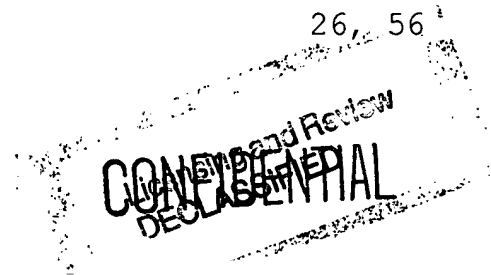
A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the difference between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 7 and 19 are rejected under 35 U.S.C. 103 as being unpatentable over Seamands et al. in view of Williams.

Seamands et al. disclose field artillery comprising:

- i. a barrel, 12
- ii. a cradle including hollow members, 20, 22
- iii. a recoil buffer system, 26, 56



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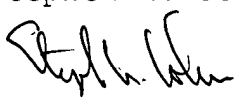
- iv. a recuperator system, and 36
- v. a single hydraulic accumulator. 22

Seamands et al. apply as previously cited. However, undisclosed is a barrel that is explicitly referred to as a howitzer barrel and a chassis with trunnion support structure. Williams teaches a barrel that is explicitly referred to as a howitzer barrel, 12, col. 2, lines 48-54; and a chassis with trunnion support structure, 16. The gun and cradle arrangement of Seamands et al. is silent as to its intended support structure. Williams teaches one method known to one of ordinary skill to support a gun and cradle arrangement, see fig. 1. Applicant is selecting and assembling analogous art structure that performs in the same fashion after assembly as it is known to function prior thereto. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Williams to the field artillery piece Seamands et al..

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hooker, Fischer, Barnes, Voller, and Metz et al. disclose state of the art field artillery pieces.

7. Any inquiry concerning this communication should be directed to Stephen M. Johnson at telephone number (703) 306-4158.


STEPHEN M. JOHNSON
PRIMARY EXAMINER
GROUP 220

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Johnson/gj-22

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